

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
LEGISLATIVE COMMITTEE  
MEETING MINUTES**

**August 26, 2015**

**1. CALL TO ORDER**

Chair Michael Paravagna welcomed everyone and called the meeting of the Legislative Committee of the California Commission on Disability Access (CCDA or Commission) to order at 10:00 a.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 601, Sacramento, California 95814.

The off-site meeting locations for teleconference were Cal Insurance and Associates Inc, 2311 Taraval Street, San Francisco, California 94116, and the Law Offices of Paul Rein, 200 Lakeside Drive, Suite A, Oakland, California 94612.

**ROLL CALL**

Staff Member Estes called the roll and confirmed the presence of a quorum.

*Commissioners Present:*

Scott Hauge  
Celia McGuinness (Teleconference)  
Michael Paravagna, Chair

*Staff Present:*

Angela Jemmott, Executive Director  
Addison Embrey, Program Analyst  
Brandon Estes, Program Analyst

*Also Present:*

Vinh Nguyen, Disability Access Services Unit, Department of Rehabilitation

**2. APPROVAL OF MEETING MINUTES (May 25, 2015) – Action**

**MOTION:** Commissioner Hauge moved to approve the May 25, 2015, California Commission on Disability Access Legislative Committee Meeting Minutes as presented. Commissioner McGuinness seconded. Motion carried unanimously.

**3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

There were no questions or comments from the public.

**4. REVIEW OF CURRENT BILLS TRACKED BY CCDA – Discussion**

Executive Director Jemmott summarized the status of the bills staff has been tracking; committee discussion followed.

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- **AB 1230 – Gomez, Jimmy (California Americans with Disabilities.)** Set up to establish the California Americans with Disabilities Small Business Capital Loan Program. Transfers \$15 million from the General Fund as seed money for the loan; repayment to be self-sustaining. Will be an educational tool: CCDA will let small businesses know the loan is available for upgrading buildings.

Commissioner Hauge confirmed with Executive Director Jemmott that the bill has gotten through Assembly Appropriations. He stated that San Francisco Supervisor Katy Tang requested him to support the bill fully.

Executive Director Jemmott stated that so far there is no opposition, and that the bill has a wide cross-section of supporters.

Chair Paravagna felt that CCDA might comment that the bill helps people to comply not only with the Americans with Disabilities Act (ADA), but also the California Building Code – whichever is more stringent.

Chair Paravagna recommended that CCDA informally advise the author of any feedback received.

Commissioner Hauge expressed concern about getting the \$50 million through Appropriations.

Commissioner McGuinness noted that small businesses sometimes really struggle to do the right thing; a program that helps them is actually an investment that will save money in the long term, as well as providing access.

Chair Paravagna commented that because we have so many people in our communities with disabilities, the Commission's mantra needs to be adjusting our environment. \$50 million is actually a modest commitment to the social change that we see all around us.

Commissioner Hauge noted that in the past, CCDA had a bill that would cover its costs over the period of a year, but it had a startup cost of about \$100,000 – and Appropriations killed it. Chair Paravagna agreed that it is difficult to understand these knee-jerk responses in state government, and even more difficult to mitigate them.

Executive Director Jemmott stated that staff would follow up on the bill with the author's office.

- **AB 1342 – Steinorth, Marc (Disability Access)** Being heard this week. Much interest for CCDA because it entails appropriating \$120,000 from the General Fund to the Commission, and requires the establishment of two permanent positions. Also permanently extends a \$1 fee on local business licenses that fund state and local activities related to Certified Access Specialist services, and makes other changes for more compliance with disability access requirements. Possibly will involve a CCDA Budget Change Proposal (BCP).

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There are other minor changes to the bill regarding Certified Access Specialist program (CASP) reporting.

Commissioner Hauge asked where two new employees would be housed. Executive Director Jemmott acknowledged the problem. CCDA will have to write a BCP to include a move (and has already started looking for a new facility through the Department of General Services).

- **AB 1521 – Committee on Judiciary (Disability Access: construction-related accessibility claims)** Gives new tools to small businesses for responding to construction-related accessibility claims, and to limit the practice of high-volume lawsuits motivated by the goal of obtaining quick settlements rather than corrected violations. However, seeks to ensure that law firms specializing in this type of service are not penalized. Should consider both the business side and the disability side.

Executive Director Jemmott stated that as CCDA is required to collect and report on the Top Ten, members of the public and legislators are requesting more information on complaint cases. The bill includes a provision for a template which the CCDA Research Committee has developed; it will organize the information CCDA receives on the cases. The template will allow CCDA to be a better research entity.

Commissioner McGuinness asked if the Legislature is intending, as part of the statute, to publish the template as a form. Executive Director Jemmott responded that she would check on how the information is going to be sent out.

Chair Parvagna noted that if the form is not in the statute, people will not know what to use. On the other hand, it would be easier to revise, not having to go through a legislative process. He expressed concern about the form getting too rigid.

Commissioner McGuinness agreed. The form is not yet final; questions remain about how to identify the list of barriers that people check off. Staff and volunteers have worked hard to collate data from individual complaints that are not uniform; they have established a number of categories. Commissioner McGuinness has drafted a new list that would be more intuitive for plaintiffs' attorneys to use. The question now is how to make the transition from the old data collection to the new.

Chair Parvagna commented on the issue that haunts CCDA: staff resources are very limited. We need to know what we want to do with the data, and then begin working backwards.

Commissioner McGuinness expressed a preference for the legislation to state that CCDA shall promulgate on its website a form that plaintiffs' counsel must submit within five days. The CCDA could update it as it desires. The committee agreed with this arrangement.

Commissioner McGuinness raised the possibility that there could be a conflict between the complaint and the document filed with CCDA – what would be the significance?

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The form should not have a use as a bludgeon in a court case; it should not have any evidentiary impact. The Research Committee had not yet had the opportunity to flesh out the entire scope of what the language should look like.

Executive Director Jemmott stated that she had approached the bill's author regarding this concern. She had stressed that CCDA wanted to ensure that the form was an administrative tool only.

Commissioner Hauge asked about Californians for Disability Rights. Commissioner McGuinness explained that it is a long-established disability non-profit organization. They have been working with the Legislature for 20 or so years, and have the respect of the disabled community.

Commissioner Hauge noted that the Chamber of Commerce opposed AB 1521. He believed they took issue with it placing more responsibility on the property owner.

- **SB 251 – Roth, Richard (Civil Rights)** As of today, placed on the Suspense File until further notice and was not heard.

**5. PROCESS OF INTRODUCING NEW LEGISLATION – Through CCDA Strategic Goals**

**A. Outreach with Legislature**

**B. Networking Town Halls (i.e., Business, Local Government and Disability Advocates)**

Chair Paravagna stated that at the previous meeting, the Legislative Committee had looked at creating a dialogue among the various stakeholders concerned with access. The committee had also considered its Strategic Goals 4, 5, and 6.

Chair Paravagna presented the idea of working with sitting member of the Assembly or Senate to have town hall-style meetings in their districts, and to have a presence there from the Commission in order to facilitate discussion. After holding one or two such meetings, the committee would step back and evaluate whether it is a worthwhile method.

Commissioner McGuinness considered this an excellent idea. She recommended reaching out to Assemblymember Thurmond as a place to start. Commissioner Hauge agreed.

Chair Paravagna sought to have an event balanced between the disability community and the business community. He asked the committee to consider recommendations on how to achieve this.

Looking at Strategic Goal 5, Executive Director Jemmott suggested having the disability community highlight businesses that they find accessible. Both sides might be interested in such a topic. Regarding creating a financial incentive, Executive Director Jemmott suggested asking people different ways to create financial incentives for access – inviting financial organizations for creative ideas.

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Commissioner McGuinness suggested collecting information from speakers from both sides regarding the barriers they see to creating access.

Chair Paravagna suggested having a panel on this topic with people from both communities speaking about their experiences and problems. A third element could be a discussion on how to address these issues. He had heard of such an event held in the city of Hanford.

Commissioner Hauge commented that it would be valuable to discern what the disabled community and the business community agree on. (It may surprise both sides.)

Commissioner McGuinness agreed that this is one of the CCDA's main missions: to find a way to get past the disagreements. She suggested having a skilled facilitator to direct this effort.

Chair Paravagna agreed, stating that a facilitator could set some ground rules at the outset. He proposed that the committee find a member interested in working on this event.

**6. FUTURE AGENDA ITEMS**

Commissioner McGuinness asked if a Future Agenda Item would be the issue of speaking to the author of AB 1521 about the form. Chair Paravagna and Executive Director Jemmott considered this to be an Action Item.

Ms. Abby Camera, Board Member of the Silicon Valley Independent Living Center, felt that the idea of a meeting of the two communities was excellent. She stated that she had experienced difficulty with the business community honoring and using accessibility facilities that are already in place – attitude is another issue.

Ms. Camera also commented that while listening to CCDA meetings, it is very helpful to have speakers identify themselves. In addition, the transcriptions have many mistakes which make it difficult to follow along.

**7. ADJOURN**

There being no further business, Chair Paravagna adjourned the meeting at 11:05 a.m.